

CAUSE NO. 129494-CV

NICOLAS HEFT,  
Plaintiff,

VS.

LUCAS BRANE and MINERVA  
MEDICAL, PLLC,  
Defendants.

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IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

149<sup>TH</sup> JUDICIAL DISTRICT

**RESPONSE TO PLAINTIFF’S OPPOSED MOTION TO EXTEND TEMPORARY  
RESTRAINING ORDER AND RESET TEMPORARY INJUNCTION HEARING**

Defendant Dr. Lucas Brane files this Response to Plaintiff’s Opposed Motion to Extend the Temporary Restraining Order and Reset Temporary Injunction Hearing (the “Motion”).

The purpose of a Temporary Restraining Order (“TRO”) is to maintain the status quo and protect a litigant’s rights to the extent that they can provide to the Court affidavits that show they are entitled to temporary, emergency relief. The relief is necessarily temporary, and the rules require that an evidentiary hearing be conducted quickly so that that Plaintiff’s right to an injunction can be tested, the Defendant has an opportunity to present counter evidence and counter arguments, and the Plaintiff’s evidence can be cross-examined and tested. Defendant will show that the TRO was unjust and wrongfully applied for by the Plaintiff, including submission of false evidence. Defendant wants his day in court and Plaintiff’s requested delay and extension of the TRO will do nothing but deny Defendant his rights under Texas law.

Rule 680 requires good cause to extend a TRO beyond 14 days. Tex. R. Civ. P. 680. “The short duration Rule 680 allows for temporary restraining orders is a critical safeguard against the harm occasioned by a restraint on conduct that has yet to be subject to a truly adversarial proceeding.” *In re Tex. Nat. Resource Comm.*, 85 S.W.3d 201, 206–207 (Tex. 2002). Counsel’s schedule and amorphous intent to seek other relief does not constitute good cause.

**EXHIBIT**

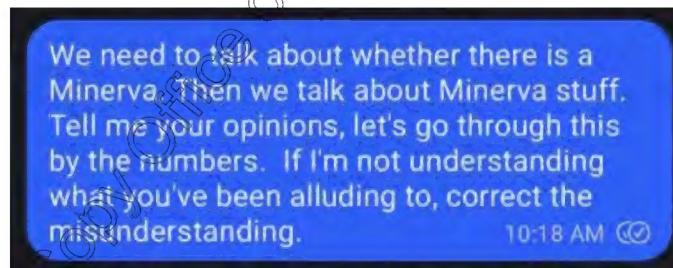
**5**

The actual merits of Plaintiff's request to delay the temporary injunction hearing are not addressed until the last paragraph of the Motion. Plaintiff complains that his lawyers have other conflicts on August 5, 2024. But Plaintiff dictated the timing of the TRO and obtained the temporary injunction date of August 5, 2024. That his lawyer has other commitments does not justify continuing to impose a TRO on Dr. Brane for one minute longer than necessary. Further, if Mr. Hawes has other commitments, Dr. Heft is more than fully and capably represented by co-counsel, Michael Feibus from the same firm. Plaintiff had full control over the remedies it wanted to seek in its petition. He did not seek appointment of a receiver and as of this filing still has not. Extension of an onerous temporary restraining order so that Plaintiff can come up with a new remedy is not justified. Finally, as all responsible counsel would, counsel for both parties have encouraged their clients to talk about a resolution. They had a settlement conference on Thursday morning, August 1, 2024, which ended in a declared impasse. At this time, there are no further settlement discussions and extension of the TRO does nothing but harm the company and does not make settlement more likely. None of this rises to the good cause required to extend the TRO.

Plaintiff and Defendant are both doctors and they started a company together less than one year ago called Minerva Medical, PLLC ("Minerva"). Minerva provides medical services to Space Exploration Technologies Corp. ("Space X") at its Star Base facility near Brownsville, Texas. It is a small, nascent company that is barely getting off the ground. The TRO obtained by Plaintiff does not protect the status quo, but instead changes it. It changes the status quo by excluding Defendant completely from any involvement in the operations of the company whatsoever. Defendant believes that is damaging to Minerva and is prepared to provide evidence at the hearing to support that claim.

Plaintiff in his Original Petition and in this motion cherry-pick parts of text messages exchanged between Plaintiff and Defendant which do not tell the whole story and are purposefully selected to inflame and mislead. Whether Plaintiff and Defendant disagree about their views on human rights, candidates, or other political issues is irrelevant and cannot form the basis for an injunction that removes one partner from the company and gives sole control to the other. The only issue raised by Plaintiff that could arguably relate to protection of Minerva is if one of the partners is going to do anything to harm Minerva. Plaintiff has cherry-picked a number of text messages to create the impression that Defendant took actions or had an intent to actually harm Minerva. He did not, and a review of the entire string of texts which spans dozens of pages shows that to be the case. Attached as Exhibit 1 is a copy of a full text string between the parties.

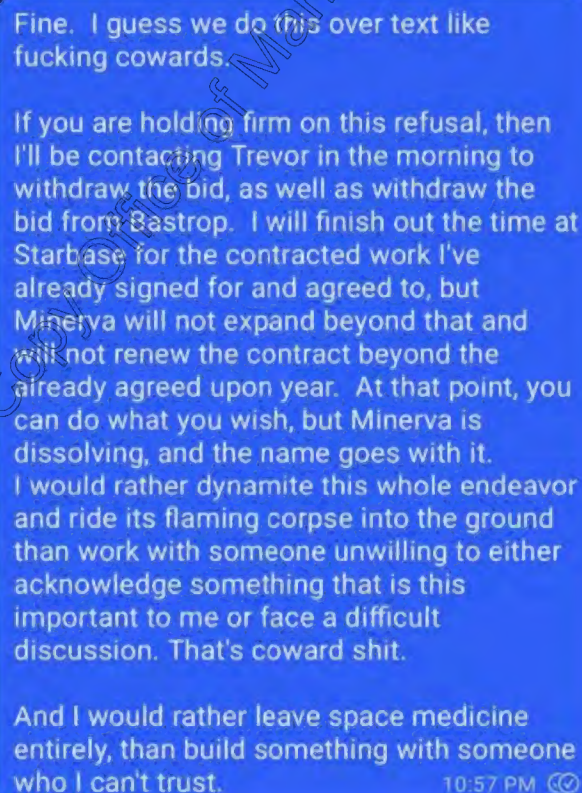
What Plaintiff has not informed the Court, for example, is that on July 15, 2024, at 10:18 a.m., Dr. Brane stated, in part that “We need to talk about whether there is a Minerva.” The entire text is below:



This shows that Dr. Brane was attempting to engage Dr. Heft in communication about the future of Minerva. Minerva is a professional limited liability company formed under Texas law and has a Company Agreement, a copy of which is attached to Plaintiff's Original Petition, that says that each of the doctors owns 50% of the member interests, each has a role as member manager, and most decisions must be made by a majority of the membership interest, with certain decisions requiring unanimity. In reality, with a 50/50 partnership, all decisions and all actions of the

company must be made jointly and unanimously by both partners. Dr. Brane asking to sit down and discuss them proceeding together in determining the company's future is not out of bounds.

Several times Dr. Brane asked to have a meeting with his partner and co-member to discuss their joint venture. Although two meetings were scheduled, Dr. Heft refused to show up for either. After his partner refused to talk to him Dr. Brane said on July 18, 2024, at 3:56 p.m., "Just so we are perfectly clear, Minerva is not entering into any new contracts or hiring anyone else until I know I can trust the other person involved period." The text message referenced in the petition and the motion was sent on July 19, 2024, at 10:57 p.m. wherein Dr. Brane did not threaten to take unilateral action to do anything to harm the company, and instead said, in part, "I will finish out the time at Star Base for the contracted work I already signed for and agreed to, by Minerva will not expand beyond that and will not renew the contract beyond the already agreed upon year."



Fine. I guess we do this over text like fucking cowards.

If you are holding firm on this refusal, then I'll be contacting Trevor in the morning to withdraw the bid, as well as withdraw the bid from Bastrop. I will finish out the time at Starbase for the contracted work I've already signed for and agreed to, but Minerva will not expand beyond that and will not renew the contract beyond the already agreed upon year. At that point, you can do what you wish, but Minerva is dissolving, and the name goes with it. I would rather dynamite this whole endeavor and ride its flaming corpse into the ground than work with someone unwilling to either acknowledge something that is this important to me or face a difficult discussion. That's coward shit.

And I would rather leave space medicine entirely, than build something with someone who I can't trust.

10:57 PM

He also said, "**I would rather** dynamite this whole endeavor and ride its flaming corpse into the

ground than work with someone unwilling to either acknowledge something that is this important to me or face the difficult discussion.” (emphasis added). In other words Dr. Brane was expressing how he felt about their partnership and ability to work together in the future. He conditioned everything he said upon the partners being able to communicate about the company and about their relationship in an honest and trustworthy fashion. A review of the entire texts as attached tells a more full story.

Furthermore, there is no evidence whatsoever that Dr. Brane has ever taken any action to hurt the company, to cancel any contracts, to withdraw any bids, or do anything else other than continue to work for the best interests of Minerva. In fact, when he received an email with the TRO attached, he was driving to Brownsville to sign contracts for future work for Minerva, meet with Space X employees to discuss bids for future work, and do all of the things that he has always done to help the company.

What the full text string shows is that two doctors were not only business partners but they called each other best friends. They have had a falling out, and a severe and passionate disagreement, but that does not mean that the status quo has to be drastically changed and Dr. Brane completely excused from Minerva.

### **Conclusion**

Dr. Lucas Brane respectfully requests that the Court deny Plaintiff’s Opposed Motion to Extend the Temporary Restraining Order and Reset Temporary Injunction Hearing and grant Dr. Lucas Brane all other relief to which he is entitled.

Respectfully submitted,

**NATHAN SOMMERS GIBSON DILLON PC**

By: /s/ George R. Gibson

George R. Gibson  
Texas Bar No. 00793802  
1400 Post Oak Boulevard, Suite 300  
Houston, Texas 77056-6102  
713.960.0303 - phone  
713.892.4800 – fax  
ggibson@nathansommers.com

ATTORNEYS FOR LUCAS BRANE

**CERTIFICATE OF SERVICE**

I certify that a copy of Response to Plaintiff's Opposed Motion to Extend the Temporary Restraining Order and Reset Temporary Injunction Hearing was served as shown below on August 2, 2024.

Mr. R. Kyle Hawes

Mr. Michael B. Feibus

Chamberlain, Hrdlicka, White, Williams & Aughtry, P.C.

1200 Smith Street, Suite 1400

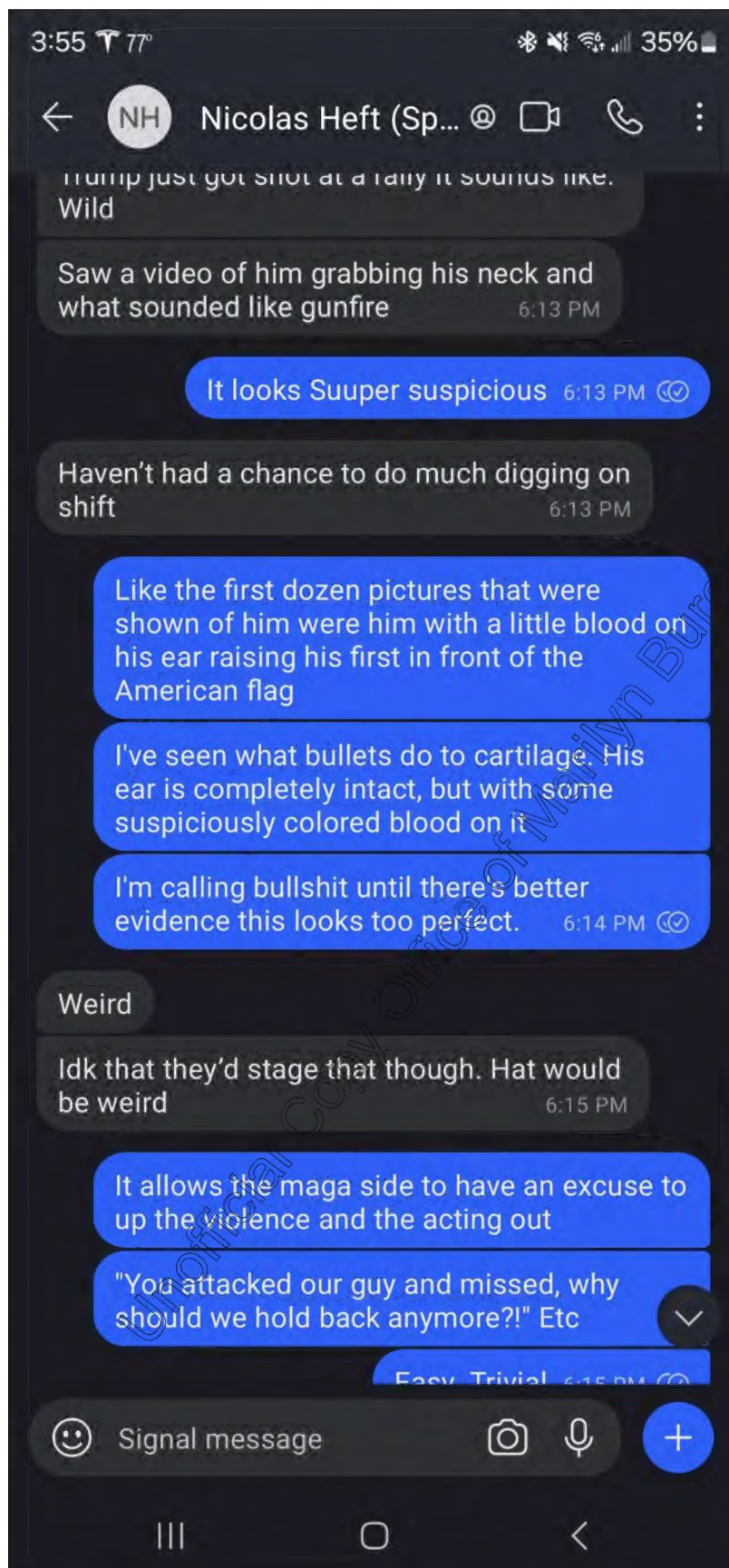
Houston, Texas 77002

By E-Mail (kyle.hawes@chamberlainlaw.com)  
(michael.feibus@chamberlainlaw.com)

/s/ George R. Gibson

George R. Gibson





EXHIBIT

1

3:55 77°

35%



Nicolas Heft (Sp... @)



Ehhh, idk about that 6:15 PM

A stage blood capsule and some popping noises, the rest is created for them

6:16 PM

Seems like a big false flag to do 6:16 PM

Not really, not if they are wanting to ramp up the intimidation factor, put the real threat of violence out there after being "attacked first."

Putin routinely blew up apartment buildings with people in it, his own countrymen, in the 90's so they could blame it on other people and start shit.

6:19 PM

Putting a little fake blood on yourself after some popping noises and having the drama of secret service whisk you away seems more plausible than someone getting close enough to shoot him, but only hitting his ear, causing bleeding but ZERO cartilaginous destruction. That seems like more of a stretch, given that an outcome like that near miss would give to his campaign a huge boost and take the pressure off the fact that they now have proof in the Epstein files that he's a child rapist. It's just way too fucking convenient.

6:22 PM

Eehhh. idk that comparing Trump to Putin is



Signal message





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Nicolas Heft (Sp... @)



Eehhh, idk that comparing Trump to Putin is a fair comparison though. Haha

6:57 PM

They are the same person

Putin is just more competent

6:58 PM

Oh man, I'm gonna have disagree pretty openly on that one. Haha

Also, they caught the shooter and a bystander was killed apparently

Not fake

7:01 PM

You're not about to tell me your are a Trumper, are you?

7:01 PM

Hahahaha

I was afraid this time would come

7:02 PM

You. Have. Got. To. Be . Fucking joking

7:02 PM

I was afraid to rock your world but now is as good a time as any



7:02 PM



Signal message



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35%



Nicolas Heft (Sp... @)



I was afraid to rock your world but now is as good a time as any



7:02 PM

You are messing with me

It's not really funny 7:03 PM

Not messing with you 7:03 PM

Yeah. We are doing to need to have some conversations.

I've been afraid to bring it up because I know how you feel and I didn't want politics to come between us truthfully. I respect you a ton

7:06 PM

Honestly. If this is your actual stance on that man, that you support him and his platform, knowing who that person he is, what he's done, how he's behaved, and what he's done to our country. I'm genuinely embarrassed for you. If this is true, I respect you less. I never in a million years would have believed someone of your intellectual capacity would stand for someone like that

Are you next going to tell me that you are a



Signal message





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Nicolas Heft (Sp... @



Are you next going to tell me that you are a klansmen? What fucking alternate universe is this?

7:11 PM

You

Are you next going to tell me that you are a klansmen? What fucking alternate universe is

This seems kinda unfair. You know me pretty well at this point. I am still me. Happy to chat at any time

7:21 PM

The reaction I'm getting here is why I was afraid to bring it up sooner. I consider you to be my best friend at this point and we've had each other's backs through thick and thin over the last year. Your views are your views and I've respected them even though I had to bite my tongue a few times. Haha.

7:25 PM

Unfair how, precisely? Knowing who trump is and what his actions, policies and base play to?

Actually, no. Don't answer that

We will have this discussion in person

7:26 PM

Asking me if I'm a klansman. Lol. I know you don't believe me to be one



Signal message



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35%



Nicolas Heft (Sp... @)



We will have this discussion in person

7:26 PM

Asking me if I'm a klansman. Lol. I know you don't believe me to be one

You

We will have this discussion in person

Of course, anytime

7:27 PM

The fact that you thought this be even a little funny leads me to believe you might just be a little too naive about what exactly is at fucking stake here

7:31 PM

Nervous laughter more than anything

7:38 PM

I'm done talking about this. We will find a time to sit down in person.

7:38 PM

Sounds good man

7:40 PM

(Just got power back)

10:12 PM

Sun, Jul 14



This was sent to you by FACC Texas



Signal message





3:56 77°

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Nicolas Heft (Sp... @



This was sent to you by FACC Texas

Dear Attendees,

**Special announcement:**

We are honored to welcome astronaut Sophie Adenot, Olympians, and city officials.

**Event Location:**

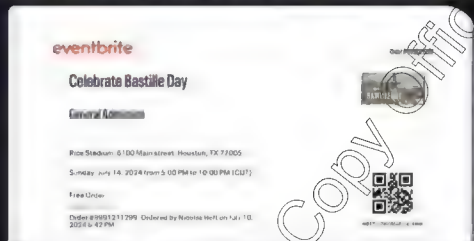
Type "**Greenbrier Lot**" in your GPS app. The entrance is at Gate 1 (South West). Refer to the parking lot picture on the event page.

**Program:**

- 5pm: entrance on Gate 1.
- 5:50pm: anthems + guest stars Sophie Adenot and Olympians.
- 6:30pm: live concert and DJ.
- Check the full program on our event page.

Can't wait to celebrate with you!

Details for where to meet for the French event. I hope to still see you there



Your ticket

10:13 AM

Also, we are going to need to tally our guys hours today and preferably soon before the French thing

10:23 AM



Signal message



3:56 77°

35%



Nicolas Heft (Sp... @



Your ticket

10:13 AM

Also, we are going to need to tally our guys hours today and preferably soon before the French thing

10:23 AM

I'll take care of the guys hours. I won't be going to the French thing.

10:32 AM

Neither of us ever get the guys hours right and we always uncover a mistake. We need to do this correctly together

Listen man, I understand you're upset, but we have to do right by the company and our personal political differences can be handled outside of this professional endeavor. Professionally, nothing has changed

10:35 AM

But it has changed, professionally and otherwise. If these are your sincerely held beliefs, I cannot trust you. I cannot trust your judgement. You, of all people, someone with the intellect to understand, the ability to question, more importantly, your knowledge of history you of all people have no excuse. Does Liz know of your christofascist leanings? Does she support that? If she doesn't know, I would suggest, really strongly suggest, that you actually research what the fuck it is you support. Because the



Signal message



3:56 77°

34%



Your message

But it has changed, professionally and otherwise. If these are your sincerely held beliefs, I cannot trust you. I cannot trust your judgement. You, of all people, someone with the intellect to understand, the ability to question, more importantly, your knowledge of history; you of all people have no excuse.

Does Liz know of your christofascist leanings? Does she support that? If she doesn't know, I would suggest, really strongly suggest, that you actually research what the fuck it is you support. Because the Nicolas Heft believed I knew could never actually support that. I'm going to attribute your stance as someone who was brought up in a hard right household and taught to hate anything "on the left" and that you just haven't been paying very close attention and going along with what your family's leanings are. I know about that, because I came from the exact same place. I was a registered republican and bored for them, before they all became open christofascists. If you really actually believe that supporting christofascism is an ok thing, and if I've judged the situation correctly, you're about to be single also. But hey, at least you'll have the orange guy. He'll still love you. The whole, "trump isn't all that bad," line reminds me a lot of a story someone recently told me about a French woman.

11:21 AM



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Nicolas Heft (Sp... @



There is so much here to unpack that is just untrue and outright hurtful. I'm gonna take some time to think about this before replying with a long message because I don't want to say anything hurtful to you in return. I know you very well and respect you far too much to do that to you.

On a professional note, the guys hours are tallied and all you will need to do is double check them.

11:52 AM

Checked hours. All good except for two small changes. Justin has teams messaged me on the 1st and 3rd that he had stayed over shift an extra half hour for Vance and Garcia, respectively. So I took the half hour from them each to give him the extra hour he stayed. We can either dock those guys each the half hour or pay them for the whole shift, I don't care either way but I think we should pay Justin for the unplanned extra time there.  
Do you want me to cut the checks?

12:54 PM

Thanks for catching that. Agreed, I'm ok with paying everyone the full amount if you are.

I'm still at the coffee shop since my internet doesn't work at home so I can cut the checks while I'm here. You should go spend time with the kids at the pool



Signal message





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NH

Nicolas Heft (Sp... @



I hanks for catching that. Agreed, I'm ok with paying everyone the full amount if you are.

I'm still at the coffee shop since my internet doesn't work at home so I can cut the checks while I'm here. You should go spend time with the kids at the pool

I'm updating the educational power points as well and can send those to you later today or tomorrow to review

12:57 PM

I'm good with the full amount. 12:57 PM

Sweet, so the hours I see here is the full amount for everyone?

12:58 PM

No, I'll need to give the half hour back to both yanez and garcia

12:59 PM

Ok, I'll add 0.5 to both

I'm on the sheet now 12:59 PM

Hey man. You and I have known each other for a year and a half now and been in business together for 7, almost 8 months. We have bonded over our mutual love of space, medicine, the military and the amazing country that we live in. I have considered you to be my best friend for a while and I hope that I can still consider you as such moving forward. In fact, I would



Signal message



3:56

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## Message from Nicolas Heft (Sp...

Hey man. You and I have known each other for a year and a half now and been in business together for 7, almost 8 months. We have bonded over our mutual love of space, medicine, the military and the amazing country that we live in. I have considered you to be my best friend for a while and I hope that I can still consider you as such moving forward. In fact, I would argue that the "Nicolas Heft you thought you knew" is the most authentic representation of myself. I have endured countless rants about MAGA this and MAGA that and have let you vent endlessly about things that, from my perspective are untrue and do not represent my views. You are lumping all conservatives into a single bucket when in truth, things are much more nuanced. You and I have agreed on so many points in the past and I have always refrained from disclosing publicly what my political leanings are because A) it has no impact on our friendship, B) it has no impact on how we run Minerva and C) it's no one's business but my own. You have your life experiences and I have mine. Your reaction over the last 24 hours has been concerning and hurtful to me but exactly what I feared would happen. You have been one of my closest and most trusted advisors as we take on the aerospace industry, state institutions and combat countless enemies... together. I have dined with your lovely family, played Barbie with Ivy, we have been to the gun range together, fought tooth and nail to get to where we are, we've had wild experiences trying to get Minerva up and running and meeting insane timelines, we have fought

Debra and Neil together and been through the



Business District Clerk



3:56 77°

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## Message from Nicolas Heft (Sp...

but my own. You have your life experiences and I have mine. Your reaction over the last 24 hours has been concerning and hurtful to me but exactly what I feared would happen. You have been one of my closest and most trusted advisors as we take on the aerospace industry, state institutions and combat countless enemies... together. I have dined with your lovely family, played Barbie with Ivy, we have been to the gun range together, fought tooth and nail to get to where we are, we've had wild experiences trying to get Minerva up and running and meeting insane timelines, we have fought Bobrow and Anil together, and been through the whole spectrum of emotions... together. You have made some extremely hurtful, and quite frankly slanderous, accusations about me over the last 24 hours. The fact that you have labeled me as so many different horrible things without even caring to know MY thoughts is extremely disheartening. I have had your back and you have had mine and I never once questioned your loyalty or friendship regardless of our political differences. I hope you realize that the Nicolas Heft you knew is the Nicolas Heft you still know. Despite the insanely inaccurate things you have said about me and the way you've acted over these last 24 hours, I would continue to watch your back and would hope that you would return the same favor to me because I know that deep down we are still friends and business partners. I have tremendous respect for you and still believe to my core that you and I can change the entire industry together if we continue to work as an undivided team. As Lincoln once said, "A



Business District Clerk

3:57 77°

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← Message from Nicolas Heft (Sp...

Heft you knew is the Nicolas Heft you still know. Despite the insanely inaccurate things you have said about me and the way you've acted over these last 24 hours, I would continue to watch your back and would hope that you would return the same favor to me because I know that deep down we are still friends and business partners. I have tremendous respect for you and still believe to my core that you and I can change the entire industry together if we continue to work as an undivided team. As Lincoln once said, "A divided house cannot stand." Working alongside you at Minerva has given me a whole new purpose and the prospect that you and I could potentially change the entire industry is surreal. As you always stress yourself, judge me not by what you think I am, but by my actions. My actions will reflect that I have always been loyal, watched your 6, and sought to pull you forward in this industry with me wherever I could. There is a marginal fringe on the extreme right, just like there is on the left, yet they do not represent us, I disdain those people and I do not share any of their views. Think back to the candidates I have sought to recruit for Minerva and gut check yourself on whether that matches with the very unfair characterizations you have sought to place upon me. Leisa, Gardiner, Osborn, Cassidy, Kaleigh... I will not tolerate being labeled as things that I am not and I would never do the same to you. All that being said, I intend to continue with Minerva business as usual and I hope to have you standing by my side as we push forward.

6:05 PM



Business District Clerk



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Your message

Man, it's the fact of all those things you just leaned on that makes this all the more absurd. The more I hear from you about this whole mess, the more I think you actually have no idea what the MAGA movement is about. I know what it is about. I know it down to its every stupid fucking detail. Which is why you can't claim all those nice things make your views "nuanced" but you are then still on the MAGA side of things. There's no such thing as half a nazi... you either aren't being sincere or you actually don't know. If you felt that my "rants" which you heroically "endured" didn't represent your views, maybe you should re-evaluate whether your views actually align with a bunch fascist ideals, because that's what MAGA is. If you cannot see that, I don't know what else to tell you. It's like you are telling me you are a nazi, but jews and black people and gays are alright in your book and you wish them no harm, but you... the nazi uniforms and their marching songs and your feelings are hurt when someone mistakes you for a bad person.

If the Nicolas Herf I thought I knew WAS the authentic person, then genuinely, my dude, You actually don't hold these MAGA views. You can't. They are mutually exclusive. So what the fuck are you holding on to? Which part of a neofascist movement is so important that you need to make sure and identify yourself with it. Since, let's be honest, by the very facts you outlined above, you don't fit very well into their ideology... you are already bad at being a MAGA person

3:57 T 77°

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Your message

endured. I don't represent your views, maybe you should re-evaluate whether your views actually align with a bunch fascist ideals, because... that's what MAGA is. If you cannot see that, I don't know what else to tell you. It's like you are telling me you are a nazi, but jews and black people and gays are alright in your book and you wish them no harm, but you like the nazi uniforms and their marching songs and your feelings are hurt when someone mistakes you for a bad person.

If the Nicolas Heft I thought I knew WAS the authentic person, then genuinely, my dude, You actually don't hold these MAGA views. You can't. They are mutually exclusive. So what the fuck are you holding on to? Which part of a neofascist movement is so important that you need to make sure and identify yourself with it. Since, let's be honest, by the very facts you outlined above, you don't fit very well into their ideology... you are already bad at being a MAGA person because you are tolerant, open minded, progressive thinking person, who, (I'm going to have to assume here) is actually not a bigot bent on ushering in a christofacist state. You've shown me these positive attributes, which is what I judged you by. That was the person I became best friends with. If you don't want to be called unpleasant things, maybe don't insist on dressing yourself up in the colors of a bunch of shitbags. It's possible to be a "conservative" without being a MAGA, I know, because 95 percent of my military buddies are.

8:11 PM





3:57 TTT

34%



NH

Nicolas Heft (Sp... @



We need to find some time to sit down and talk. What works for you?

8:15 AM

I'm happy to meet to chat but I want the outcome to be productive. No more slanderous remarks, no interrogations, and no digs on my character. You have made a lot of accusations without even taking the time to ask my opinions. I think it's probably best if politics is not an active part of our day to day conversations. You know me very well and I know you very well. We do have a lot to chat about in regards to Minerva. Number one being Cassidy and UT.

10:15 AM

We need to talk about whether there is a Minerva. Then we talk about Minerva stuff. Tell me your opinions, let's go through this by the numbers. If I'm not understanding what you've been alluding to, correct the misunderstanding.

10:15 AM

Luke, if you're even considering removing yourself from the company because of my politics that you have next to no information on, then that is a decision you need to spend time thinking about and then you can circle back with me. Politics should never create fear or bias in a professional setting. It is highly unlikely that I am the only conservative person on the team. That is not something we can control or legally.



Signal message



3:57 77°

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NH

Nicolas Heft (Sp... @



Luke, if you're even considering removing yourself from the company because of my politics that you have next to no information on, then that is a decision you need to spend time thinking about and then you can circle back with me. Politics should never create fear or bias in a professional setting. It is highly unlikely that I am the only conservative person on the team. That is not something we can control or, legally, prejudice against.

10:25 AM

No shit. But this isn't a "professional setting" this is two friends trying to build something. I'm agnostic to any one of our employees politics or religion if it doesn't influence their work or create a negative environment for anyone else. But I don't need to trust them at the level I need to trust you. I don't need to respect their intelligence at the level I need to respect yours.

Which is why I would really like you explain yourself. I don't give a fuck if someone wants to identify as a conservative. I've never understood the idea, personally, since political stances don't have any bearing on how I define my personality, but I could not care less either way. However, there's an crucially important difference between, "I'm a conservative," and, "I'm ok with fascism." You've alluded to a bunch of things, but you are right, I haven't listened to you explain your real political stance. Let's talk about that, in person.

Edited 10:35 AM



Signal message





3:57

34%



Nicolas Heft (Sp... @)



Which is why I would really like you explain yourself. I don't get give a fuck if someone wants to identify as a conservative. I've never understood the idea, personally, since political stances don't have any bearing on how I define my personality, but I could not care less either way. However, there's an crucially important difference between, "I'm a conservative," and, "I'm ok with fascism." You've alluded to a bunch of things, but you are right, I haven't listened to you explain your real political stance. Let's talk about that, in person.

Edited: 10:35 AM '22

No, we are friends, but when we run Minerva, we are professionals. You need to understand that and make that distinction in your mind. Every decision I have made professionally for the company up to this point, I stand by. Again, nothing has changed.

Dude, I have never interrogated you on your politics (or brought up my personal politics to you) and I'd appreciate the same in return. Although I disagree with some of your politics, I have always remained a loyal friend despite that because I. Don't. Care. Your politics do NOT define you. I am not a nazi or a fascist and you even entertaining that as a thought makes me feel like this last year and a half of friendship is just completely lost on you.

10:50 AM

Also, as you've correctly surmised, Liz is



Signal message



3:57 77°

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NH

Nicolas Heft (Sp... @



Also, as you've correctly surmised, Liz is liberal... and she knows where I stand after long, respectful conversations and still accepts me for who I am... and I accept her. The dialogue between her and I is ongoing but always remains respectful and productive.

10:56 AM

Man, my entire political stance can be summed up in, "don't be an asshole." That's it. I'm not a liberal, I'm not a libertarian, or a conservative. I would vote for and support whomever is being the least asshole-ish and is least likely to break the county. I have zero political affiliation, I have zero political allegiance.

11:56 AM

If a bunch of democrats stayed doing dangerous country-breaking things, I would support whatever side was least likely to help them break things. Right now, the side doing the breaking is the MAGA side of conservatives. Before 2016, I would have been on board with the blanket statement politics don't matter, agree to disagree, etc. That's all fine and good when the disagreements are about some economic policies, or about spending more money on education or defense. Those are polite agree to disagree things. That all stopped when Trump began to dismantle the country I promised to defend. I will politely disagree with people about all sorts of things, until they start supporting shit that could potentially hurt the people I love and



Signal message





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NH

Nicolas Heft (Sp... @



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11:02 AM

Are we going to meet in person and talk about this, or are we going to write long ass messages to one another?

11:05 AM

Wednesday works best. I have a lot to do though so all I ask is that we meet closer to me

3:17 PM

Fine. Name the place

3:18 PM

Tenfold Coffee at 10a



Signal message





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Nicolas Heft (Sp... @



Wednesday works best. I have a lot to do though so all I ask is that we meet closer to me

3:17 PM

Fine. Name the place 3:18 PM

Tenfold Coffee at 10a

101 Aurora St  
Houston, TX 77008  
United States

3:22 PM

I'll be there 3:24 PM

Tue, Jul 16

Sounds like we officially got recovery!

11:21 AM

We have some difficult discussions first.

11:59 AM

Sure, mind sharing the topics of discussion in more detail so I can come prepared to contribute meaningfully?

12:07 PM

Sure. But I don't want you to answer me no. I want you to look me in the eye when you



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Your message

Sure. But I don't want you to answer me now, I want you to look me in the eye when you tell me this.

If the Coup on Jan 6 would have been successful, which side would you have stood on? If that had resulted in a civil war, which side would you have stood on? If the fascists lose the upcoming election in Nov, (a critical time for Minerva to be renegotiating terms), and they refuse to concede the loss, do you support that refusal? Is that the America you want? If the fascists refusal to concede results in a civil war, which side would you stand on. If they win the election in Nov, are you good with project 2025? Because that's their blueprint. It is a point by point plan to bring America into a christofascist state. It's not even subtle. Maybe you can have Liz help you understand why it's a bad thing, especially for women.

If your answer is, "of course, I don't support coups and refusals to concede elections, and gasp, civil war, that would be a step too far and I wouldn't support them then..." then the last topic is, why support that or all, if those are possible, or even past outcomes? What does it take before they've gone too far? Do they have to hurt people? That's already happened. Maybe it needs to be more people? Is there some twisting or perverting of our constitution that would do it for you? Would your breaking point that, "NOW, after THIS thing, I know longer support American fascism?"

These are the actual things at stake here, Nick. This isn't the kind of thing that falls under,



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← Your message

because that's their blueprint. It is a point by point plan to bring America into a christofascist state. It's not even subtle. Maybe you can have Liz help you understand why it's a bad thing, especially for women.

If your answer is, "of course I don't support coups and refusals to concede elections, and gasp, civil war, that would be a step too far and I wouldn't support them then..." then the last topic is, why support that at all, if those are possible, or even past outcomes? What does it take before they've gone too far? Do they have to hurt people? That's already happened. Maybe it needs to be more people? Is there some twisting or perverting of our constitution that would do it for you? Would your breaking point be that, "NOW, after THIS thing, I know longer support American fascism?"

These are the actual things at stake here, Nick. This isn't the kind of thing that falls under, "shouldn't have to tell anyone about my private beliefs." That is appropriate for sexual orientation, or religion, and what not. This is about whether or not I can trust that you aren't going to be on the enemy side if shit goes down in Nov. I promised to defend America against all threats, foreign and domestic. This is one of those threats. Or, and if you take umbrage at me describing the MAGA movement as fascist, then please start this exercise by looking up the definition of that word. Really read it. Because of you don't think that's the kind of thing you support, then damn dude, what is it that you support?

12:54 PM



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NH

Nicolas Heft (Sp... @



One more thing. You wanted to know the topics of discussion for tomorrow. This is not going to be a topic of discussion. It's background reading. Context. I understand it's from a liberal leaning publication, but each of the events or statements listed in this article is easily verifiable. I know your generation inexplicably seems to struggle with technology, so if you doubt something you are reading, simply highlight that section and Google it or run it through Ground News. Ground is the best place anyway, since you can see what each political stance says about the same topic, but be able to verify a specific fact across the spectrum. This list of concerning things is certainly far from complete and doesn't even include his most egregious statements made recently, but it gets the rough outline started.

I suspect you will roll your eyes at the title, but I would point out that choosing to go into this discussion without this knowledge is a disadvantage. Your choice, of course.

See ... [Read More](#)

10:56 PM

Received. On a side note we do need to go over the protocols tomorrow with Justin too. Have you had a chance to look at them?

11:35 PM



Signal message



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Nicolas Heft (Sp... @



Received. On a side note we do need to go over the protocols tomorrow with Justin too. Have you had a chance to look at them?

11:35 PM

Yes. I am ready to go over them

11:36 PM

Wed, Jul 17

Hey man, I just got up and was gonna get ready to come down and meet you but the pipe I fixed in my kitchen the other day leaked overnight again and left a mess. I want to come down and chat with you but we may have to push it back to Friday. Or we can chat on the phone if you want to meet sooner? Right now I have to deal with this plumbing issue though.

7:16 AM

Friday then. If that's the next in-person possibility

7:46 AM

Talking to Justin, Aaron Sierra showed up way late tonight. I'm going to send him that tardiness letter we had drafted previously

Sean is also unhappy to be covering medic tonight and tomorrow morning. Makes us look unprofessional

9:28 PM

I didn't realize he was covering. I just spoke to Justin and Ed came in tonight with a letter



Signal message





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NH

Nicolas Heft (Sp... @



Sean is also unhappy to be covering medic tonight and tomorrow morning. Makes us look unprofessional

9:28 PM

I didn't realize he was covering. I just spoke to Justin and Ed came in tonight, albeit later than he said he would.

9:35 PM

Oh interesting, Justin told me Sean was covering medic tonight and tomorrow. There must've been a misunderstanding. Sierra reportedly showed up an hour and a half late though. We need to drop the hammer on this because it makes us look unprofessional. We have too many eyes on us down there

9:36 PM

I agree about Sierra. It's not the first time for him either.

9:42 PM

Sweet, I just texted him to clarify. If he coordinated with the offgoing team that's one thing but if not, we need to send the letter

9:43 PM

Per Justin he let them know, but not until like 5:30pm. Soo, not really

I get that things happen, and it's reasonable once in awhile for it to be unplanned, but it didn't help that Luis wanted to leave right at the end of his shift because he had family town

Edited 9:45 PM



Signal message





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Nicolas Heft (Sp... @



the end of his shift because he had family in town

Wed, 9:45 PM

Yeah, agreed 9:48 PM

Yesterday

What time are we meeting tomorrow?

12:42 PM

Hey man, I'm juggling quite a bit of stuff right now between UT, Minerva and my house. I'm not sure that meeting up to chat politics is the most appropriate use of our time. I'm also not as into politics as you are so I won't be able to contribute much to the chat truthfully. Discussing politics feels forced and uncomfortable to me, part of the reason why I've never brought it up myself before. It's just not a big part of who I am. What we do need to do however is continue to prioritize Minerva if we are going to be successful.

3:14 PM

Just so we are perfectly clear, Minerva is not entering into any new contracts or hiring anyone else until I know I can trust the other person involved. Period.

If you don't know why you support something, something as critical as this, maybe it is time to re-evaluate what exactly



Signal message



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← Your message

Just so we are perfectly clear, Minerva is not entering into any new contracts or hiring anyone else until I know I can trust the other person involved. Period.

If you don't know why you support something, something as critical as this, maybe it is time to re-evaluate what exactly the fuck it is you do believe in.

You said I had unfairly lumped you in with another group. That your views are nuanced. This is your opportunity to correct my misapprehension.

Personally, I've never been "into politics" and it isn't a "big part of who I am." Before MAGA, I could barely be bothered to care. Now, as it turns out, I am very into knowing about existential threats to my country and the people I love.

I don't give a fuck if we agree on things. Most reasonable people never agree 100% on anything. But you knowingly concealed a part of yourself from me because you were ashamed of it or whatever. That says a lot. Especially when that part amounts to the tacit support of overthrowing the country I promised to defend. That I went to war for. That my friends gave up life and limb for.

You asked that I evaluate who you are by your actions. I am watching your avoidance of this



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← Your message

I don't give a fuck if we agree on things. Most reasonable people never agree 100% on anything. But you knowingly concealed a part of yourself from me because you were ashamed of it or whatever. That says a lot. Especially when that part alludes to the tacit support of overthrowing the country I promised to defend. That I went to war for. That my friends gave up life and limb for.

You asked that I evaluate who you are by your actions. I am watching your avoidance of this very closely.

I want you to have the chance to tell me in your own words, which part of this fiasco I'm not understanding. But I want you to have to look me in the eye, because I've got a really strong feeling you actually don't know what you believe in or why you believe it, and I want to be able to see that for myself.

If you are going to whine about it, not mattering what someone's politics are blah blah, maybe you could ask that vast majority of German citizens if what the nazi party actually ended up doing throughout their reign, was what they thought they were supporting. Maybe look into exactly how many Germans truly supported the rise to nazism and then, most interestingly, the tiny percentage of them that it took to actually perpetrate the atrocities. But once they were in power, what were all the others going to do? All the checks and balances were gone.



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← Your message

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I'm having to make plans to ensure I have a way to get my family out of the country if project 2025 becomes a reality. I will not subject the women in my family to that existence, and I will not sit by like a passive German citizen in the late 1920s and later have to live with the guilt. I can see the writing on the wall because I have at least a high-school level reading/comprehension and multiple historical examples which would be almost comical in their similarity, if this wasn't so depressingly goddamn existentially important.

And in case the above isn't clear enough. If I can't trust you, I can't be in business with you. That's why I want to talk to you to make sure I understand YOU.

Edited 3:56 PM

3:58

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NH

Nicolas Heft (Sp... @



What are we doing? I need to plan my day tomorrow. Postponing this isn't going to be an option much longer, or we are going to have to start pausing things that were in motion. Continuing to avoid this conversation is not going to make this easier, and it's not going to make it go away.

9:36 PM

Luke, my focus right now, as it always has been, is on the welfare of Minerva. We potentially have a big SpaceX contract coming in shortly that we need to focus on. I have never, nor do I currently, have a desire to mix politics with business. I also don't foresee this being a productive conversation. Can we please focus on making this company successful as we have done up to this point?

10:09 PM

No

10:10 PM

Did you not read my previous message, Nick?  
Minerva isn't entering into any new contracts right now. Not until we have had a discussion. I need to know what I am doing regarding Minerva. You sticking your head in the sand about this isn't just a bad look for you, it makes everything harder.

We could have had this hashed out and moved on days ago. Dragging this out is not only unhelpful, it's starting to just piss me



Signal message





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Nicolas Heft (Sp... @



We could have had this hashed out and moved on days ago. Dragging this out is not only unhelpful, it's starting to just piss me off.

10:28 PM

Luke, I am none of the things you have accused me of. I have made this clear to you over the last few days specifically. You have known me for a year and a half and I have shared as much as I am comfortable sharing with you at this point. From my perspective there is nothing to hash out because I refuse to mix personal politics with business. We have a company to run and our priority should be on its continued success. I have read all of your messages and I am not intending to piss you off. I have been very clear to this point that I am none of the things you have accused me of being and I don't think this meeting about non-business related matters is a good use of our time.

10:43 PM

You are literally refusing to talk about this?

10:44 PM

Man, at this point your refusal to talk to me about something I've explained is really important to me is almost now concerning than the original issue. I guess I really didn't know you.

10:45 PM

Fine. I guess we do this over text like



Signal message



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Nicolas Heft (Sp... @



than the original issue. I guess I really didn't know you.

10:48 PM (2)

Fine. I guess we do this over text like fucking cowards.

If you are holding firm on this refusal, then I'll be contacting Trevor in the morning to withdraw the bid, as well as withdraw the bid from Bastrop. I will finish out the time at Starbase for the contracted work I've already signed for and agreed to, but Minerva will not expand beyond that and will not renew the contract beyond the already agreed upon year. At that point, you can do what you wish, but Minerva is dissolving, and the name goes with it. I would rather dynamite this whole endeavor and ride its flaming corpse into the ground than work with someone unwilling to either acknowledge something that is this important to me or face a difficult discussion. That's coward shit.

And I would rather leave space medicine entirely, than build something with someone who I can't trust.

10:57 PM (2)

I will set aside some time to have a personal discussion when I am best able to do so. In the meantime, I expect you to carry out your responsibilities as an officer of the company and as my partner. We have a 50/50 partnership and you do not have my consent to withdraw recovery, Bastrop, Starbase or any other endeavors we have.



Signal message





3:59 77°

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NH

Nicolas Heft (Sp... @



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11:26 PM

Nick, don't try to manipulate me. I think you, of all people, know how poorly that will go. If this were truly important to you to resolve, you would have made time. You had a ton of chances, but in the end, you chose cowardice. If you really were now ready to have a personal discussion, you would tell me when that would be so we can make it happen. Your statement "I will set aside some time vaguely in the future" is a delaying tactic. Play silly games with me, and I'll hand over my half of the company to bobrow and you guys and enjoy co-ownership. This will be a nice and neat controlled demolition. I will, of course, uphold my end of the 50/50 partnership for the single current contract at Starbase that I have signed on behalf of the company, so you have it in writing for whatever shenanigans you were planning. I do not consent that you enter into any contracts with anyone on



Signal message



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NH

Nicolas Heft (Sp... @



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11:36 PM



Signal message





8:45 T 77°

92%



NH

Nicolas Heft (Sp... @



you were planning. I do not consent that you enter into any contracts with anyone on behalf of Minerva.

11:36 PM

Fri, Jul 19

Nick, we are closing up shop at the conclusion of this year with the starbase contract. It's only fair to the people we have been talking to that they know this so they can make alternate plans. Pretending otherwise is misrepresenting the situation with the company, which I will not do. This will be tidy and clean. Fulfill our remaining obligations to spacex and be done. Then we go out separate ways. You have plenty of other things to keep you busy and advance your career, I suggest you keep your focus on that. Are you willing to make this a clean break, or do we have to get lawyers involved and make it messy? The way I see it, we can still earn the money for the remainder of this year, at this point. If things get messy, I assume spacex will just drop us on the spot.

9:55 AM

Luke, I will reiterate, you do not have my consent to interrupt business in any capacity and you are threatening to expose the business to harm which is unacceptable. Let me think about your comments to close the business down and then we can discuss this further.

10:11 AM



Signal message



8:45 77°

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Nicolas Heft (Sp... @



unacceptable. Let me think about your comments to close the business down and then we can discuss this further. 10:11 AM

You have until the end of today to think about it.

You interrupted the business by showing yourself to be untrustworthy. By refusing to even talk to me, if you are going to attempt to play games with legal words, this started with you. 10:13 AM

Your cancellation of the uniforms for ourselves was nonconsensual. I am requesting, kindly, that you fix this immediately. 10:25 AM

Nick, you do not have my consent to use company money for something I am not agreeing to.

Seriously man, if you are going to do this, I will call bobrow right fucking now and talk about handing control of my half of the company to him. Then you can hash this out with him as the co-owner. Your choice. 10:27 AM

Luke, this is a lot to process over the course of a day and I need some time to think about everything that's happening. Let's take the weekend to think about the next steps and what is best for Minerva. We can



Signal message





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Nicolas Heft (Sp... @



Luke, this is a lot to process over the course of a day and I need some time to think about everything that's happening. Let's take the weekend to think about the next steps and what is best for Minerva. We can reconvene early next week and discuss next steps.

Something for you to consider over the weekend, would you be open to divesting from the company and selling your share to me?

2:14 PM

Possibly with specific terms. 2:26 PM

What are we going to say if Trevor comes back and says, "Let's go with recovery?" You and I aren't able to accurately tell him we are good to go because I can't get you to have any conversation with me that doesn't sound like your lawyer wrote it. We can't effectively make decisions about the direction of the company with your legal angling. That is just as much obstruction to running the company as anything else.

2:27 PM

Ok. I am interested in hearing what your terms may be. Take some time to think about it. But I am willing to consider buying your interest out as a next step and to relieve you of any obligations to Minerva. Seems like it could be a good solution for both of us.

4:27 PM



Signal message



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NH

Nicolas Heft (Sp... @



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3:27 PM

Ok. I am interested in hearing what your terms may be. Take some time to think about it. But I am willing to consider buying your interest out as a next step and to relieve you of any obligations to Minerva. Seems like it could be a good solution for both of us.

4:27 PM

Sat, Jul 20

I'm going to ask you to reflect on something. I'm asking this of the Nicolas Heft who was my friend, not the other guy.

When we met, I had no enemies. I had no drama. I was looking to build something. We became friends, and I saw you had drama and people going after you, and it kept getting worse for you. I didn't hesitate to jump in with both feet and make your problems my problems because that is what a friend does. If I wanted to keep it all business, I could have heard about the latest



Signal message





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← Your message

I'm going to ask you to reflect on something. I'm asking this of the Nicolas Heft who was my friend, not the other guy.

When we met, I had no enemies. I had no drama. I was looking to build something. We became friends, and I saw you had drama and people going after you, and it kept getting worse for you. I didn't hesitate to jump in with both feet and make your problems my problems because that is what a friend does. If I wanted to keep it all business, I could have heard about the latest way bobrow was abusing you or anil was undermining you and say, "that sucks man, hope you figure it out." Instead, I dug in with you, because I cared about what happened to you. And, after a time, it also became the reality that, if you were stronger, I would also be stronger in this field. So I threw in with you and all your drama. Not mine, yours. You spoke about those struggles as examples of what WE have been through together, but I guess it was lost on you that I didn't really need to make your problems mine, I could have kept business and such separate.

Contrast that with the time I brought up something that was very important to me but it made you feel uncomfortable to talk about. Instead of even just sitting down with me and talking through it, you immediately made excuses then reverted to, "I shouldn't have to talk about this. We shouldn't mix business, etc."

At that moment, I realized that this was the first time I really needed to call on Nicolas Heft my

8:48 77°

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← Your message

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At that moment, I realized that this was the first time I really needed to call on Nicolas Heft my friend for something. I needed to know you had my back. I wanted an understanding, a clarification of something that was a real-word concern and possible danger to my family. And suddenly for you, that needed to be separated from our discourse, and our discussion should only be about business matters. I wanted to know if I could trust you to have my back if things were difficult for me and my family, and not just for you. You SAID you had always had my back, but those were your problems that we were battling, not mine. I could have used the "it should only be about business" card there. It certainly would have saved me a lot of personal stress and drama. But I came to aid of my friend. Yet when I ask that you go through something as awful as a conversation, you not only refuse but immediately began positioning yourself to be able to take the company that I helped build from



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← Your message

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1:51 PM



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Denise Thompson on behalf of George Gibson

Bar No. 793802

dthompson@nathansommers.com

Envelope ID: 90478372

Filing Code Description: Answer/Response

Filing Description: to Plaintiff's Opposed Motion to Extend Temporary Restraining Order and Reset Temporary Injunction Hearing

Status as of 8/2/2024 1:09 PM CST

Associated Case Party: Nicolas Heft

Name	BarNumber	Email	TimestampSubmitted	Status
Randall Hawes		kyle.hawes@chamberlainlaw.com	8/2/2024 12:05:28 PM	SENT
Michael Feibus		michael.feibus@chamberlainlaw.com	8/2/2024 12:05:28 PM	SENT
Rosa Reyes		rosa.reyes@chamberlainlaw.com	8/2/2024 12:05:28 PM	SENT

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
George R. Gibson		ggibson@nathansommers.com	8/2/2024 12:05:28 PM	SENT
Angelique Pacheco		apacheco@nathansommers.com	8/2/2024 12:05:28 PM	SENT
Denise Thompson		dthompson@nathansommers.com	8/2/2024 12:05:28 PM	SENT
Courtney Lemons		clemons@nathansommers.com	8/2/2024 12:05:28 PM	SENT